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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,750

07/02/2003

Franklin H. Valade JR.

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IP LEGAL DEPARTMENT  
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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/612,750

Applicant(s)

VALADE ET AL.

Examiner

Julie Lieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 49-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-47 is/are rejected.
- 7) ☒ Claim(s) 24-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action in response to Applicant's election filed October 13, 05. No claims have been amended, canceled, or added.
2. The terminal disclaimer has been received and approved.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, "said spring arm" lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-17, 22-23, 25-34, 37, and 42-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Sayegh et al. (US2003/0222780).

Claim 1:

Sayegh et al. (herein after as Sayegh) discloses a security tag, comprising:

- a. a tag housing (fig. 1);
- b. a tack body 52; and
- c. a linear clamp 34 (fig. 5) disposed within said tag housing having a slot 78 to retain said tack body, and to move in a substantially linear direction on a track in response to a force to release the tack body from said slot.

Claim 2:

The linear clamp 34 comprises:

- a. a clamp body 34;
- b. a spring arm 44 attached to a first edge 77 of said clamp body; and
- c. a tack retaining body 38 to retain said tack body.

Claim 3:

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The tack retaining body 38 comprises a first jaw 96 and a second jaw 98, with each jaw terminating in spaced facing edges, the spaced facing edges forming a slot and a jaw open area in the clamp body. See figs. 5 and 7.

Claim 4:

The jaws 96 and 98 extend from a common second edge of said clamp body. See fig. 5.

Claim 5:

Jaws 96, 98 are integrally formed with clamp body 34.

Claim 6:

The tack body 52 comprises at least one first portion 52 and at least one second portion a at one end of 52, the first and second portions having first and second diameters, respectively, with the second diameter smaller than said first diameter. See fig. 3.

Claim 7:

The slot 38 has a width approximate to the second diameter, wherein the jaws move from a first position to a second position to accommodate the first portions, and from second position to the first position to retain the second portion.

Claim 8:

A side of clamp body 34 forms a first plane, and a side of the tack retaining body forms a second plane substantially parallel to said first plane. See fig. 3.

Claim 9:

A first portion of the spaced facing edges of clamp body 34 are substantially parallel to form the slot, with first end of the slot forming a curve approximating a curve for the tack body,

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and the second end of the slot forming a release section opening into the jaw open area 78. See fig. 3.

Claim 10:

The tag body includes a channel 56 for a detachment probe, the channel configured to accommodate movement of the detachment probe to contact said first edge of the linear clamp.

Fig. 11.

Claim 11:

The detachment probe in Sayegh provides force against the second edge to move the linear clamp from a first position to a second position in the linear direction on tracks 30 and 32.

Claim 12:

The linear clamp 34 moves from the second position to the first position when force is terminated.

Claim 13:

A second portion of the spaced facing edges are straight to form the jaw open area 78, with a first distance between a first end of said jaw open area being less than a second distance between a second end of said jaw open area. See figs. 5 and 7.

Claim 14:

The housing of the tag in Sayegh comprises a top half and a bottom half (fig. 3), with the bottom half having a guide 30, 42 to assist movement of the linear clamp in the linear direction.

Fig. 3.

Claim 15:

The bottom half of the tag in Sayegh includes an abutment 77 to bias the spring arm 44 in response to movement of the linear clamp in the linear direction, the abutment being disposed approximately in line with the force.

Claim 17:

Spring arm 44 moves from a first position to a second position in response to the applied force, and moves from said second position to said first position when the force terminates.

Claim 22:

A first portion of the spaced facing edges of clamp body 34 are substantially parallel to form the slot, with first end of the slot forming a curve approximating a curve for the tack body, and the second end of the slot forming a release section opening into the jaw open area. See fig. 3.

Claim 23:

The housing of the tag in Sayegh comprises a top half and a bottom half (fig. 3), with the bottom half having a guide 30, 42 to assist movement of the linear clamp in the linear direction. See fig. 3.

Claim 25:

Sayegh discloses a linear clamp for a security tag, comprising:

- a. a clamp body 34;
- b. a spring arm 44 attached to a first edge 77 of said clamp body; and
- c. a tack retaining body having a slot 38 to retain the tack body, and to release the tack body from slot in response to a force applied in a substantially linear direction.

See fig. 3.

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Claim 26:

The tack retaining body comprises a first jaw 96 and a second jaw 98 with each jaw terminating in spaced facing edges, the spaced facing edges forming slot 38 and a jaw open area in the clamp body.

Claim 27:

The jaws extend from a common second edge 75 of the clamp body. Fig. 5.

Claim 28:

Jaws 96, 98 are integrally formed with the clamp body. Fig. 5.

Claim 29:

The clamp body forms a first plane, and a side of the tack retaining body form a second plane substantially parallel to said first plane. Fig. 3.

Claim 30:

A first portion of the spaced facing edges are substantially parallel to form slot 38, with a first end of the slot forming a curve approximating a curve for said tack body, and the second end of said slot forming a release section opening into the jaw open area 78. Fig. 5.

Claim 31:

The second edge 75 of the tack retaining body receives force to move the linear clamp from a first position to a second position in linear direction.

Claim 32:

The tack body moves into the jaw open area 78 when the linear clamp is in the second position, thereby releasing the tack body from the tack retaining body.

Claim 33:

The linear clamp in Sayegh moves from the second position to the first position when force is terminated.

Claim 34:

A second portion of the spaced facing edges are straight to form the jaw open area 78 (fig. 3), with a first distance between a first end of the jaw open area being less than a second distance between a second end of the jaw open area.

Claim 37:

The spring arm 44 is biased approximately in line with the force.

Claim 42:

The rejection of claim 42 recites the rejection of claim 22.

Claim 43:

A second edge of the tack retaining body receives force to move the linear clamp from a first position to a second position in the linear direction.

Claim 44:

The tack body 52 moves into the jaw open area when the linear clamp is in the second position, thereby releasing the tack body from the tack retaining body.

Claim 45:

Linear clamp 34 moves from the second position to the first position when said force is terminated.

***Claim Rejections - 35 USC § 103***

7. Claims 16, 18-21, 35-41, and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayegh et al. (US2003/0222780).

Claims 16

The spring arm 44 comprises a spring arm body that extends along the first edge 77 of the clamp body. The spring arm is joined to an end of the clamp body, though a curve join joining the spring arm body to one end of the clamp body is not shown. However, it would have been obvious to one skilled in the art to use a curve join to join the spring arm to the clamp body as desired since the function of the device would not thereby be modified.

Claim 18:

The clamp in Sayegh does not have a bridge across the jaw open area. However, lacking any criticality as to why a bridge across the open jaw area is needed, how it would solve any stated problem or produce any unexpected result, it appears that clamp 34 function equally well without a bridge across the open jaw area.

Claim 19:

Tag body in Sayegh includes a channel 56 for a detachment probe, the channel configured to accommodate movement of the detachment probe to contact the edge of the clamp.

Claim 20:

The detachment probe provides force against the bridge to move said linear clamp from a first position to a second position in the linear direction along tracks 30 and 32.

Claim 21:

The linear clamp in Sayegh moves from the second position to the first position when force is terminated.

Claim 35:

The rejection of claim 35 recites the rejection of claim 16.

Claim 36:

Spring arm 44 moves from a first position to a second position in response to the force, and moves from the second position to the first position when the force terminates.

Claim 38:

The rejection of claim 35 recites the rejection of claim 18.

Claim 39:

The rejection of claim 39 recites the rejection of claim 19.

Claim 40:

The tack body 4 moves into the jaw open area when the linear clamp is in said second position, thereby releasing the tack body from the tack retaining body. Front figure.

Claim 41:

The linear clamp 6 moves from the second position to the first position when the force is terminated.

Claim 46:

The rejection of claim 46 recites the rejection of claim 16.

Claim 47:

Spring arm 44 moves from a first position to a second position in response to the force, and moves from the second position to the first position when the force terminates.

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*Allowable Subject Matter*

8. Claims 24 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

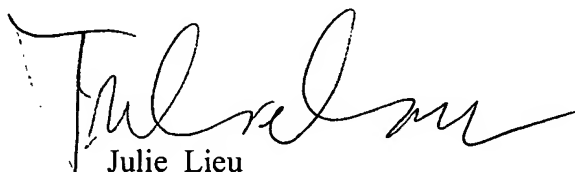
*Conclusion*

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu  
Primary Examiner  
Art Unit 2636

Jan. 13, 05